

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

V.

1.5737 ACRES OF LAND, MORE OR
LESS, SITUATE IN WEBB COUNTY,
STATE OF TEXAS; AND ESTATE OF
HERMINIA O. PEREZ,

Defendants.

CASE NO. 5:20-CV-038

**JOINT STIPULATION OF DISMISSAL AND AGREEMENT TO DISBURSE FUNDS
UNDER FED. R. CIV. P. 71.1(i)(1)(B)**

Plaintiff and Defendant file this stipulation of dismissal and agreement to disburse funds under Fed. R. Civ. P. 71.1 (i)(1)(B).

I. INTRODUCTION

1. Plaintiff is the United States of America (“Plaintiff”); named interested party and purported property owner is The Estate of Herminia Perez. ("Defendant").
2. On March 10, 2020, Plaintiff filed a Declaration of Taking (“Declaration”) and Complaint in Condemnation for a twelve (12) month temporary easement for real property identified as Tract No. LRT-LRN-1034 (hereinafter referred to as the “Property”). The interest and property are more particularly described in Schedules “C”, “D”, and “E” of the Declaration. *See* Docket No. 2.
3. On March 11, 2020, Plaintiff deposited one hundred and 00/100 dollars (\$100.00) into the Registry of the Court as estimated just compensation for the right of entry. *See*

Docket No. 4. Pursuant to 40 U.S.C. § 3 I 14 (b)(1), the filing and the deposit immediately vested title to the acquired property in the United States.

II. DISMISSAL

4. The Plaintiff, United States of America, and the Defendant, The Estate of Herminia Perez, pursuant to Fed. R. Civ. P. 71.1(i)(1)(B), jointly stipulate to the dismissal of this case, without prejudice, each party to bear their own cost.

III. DISBURSEMENT

5. Plaintiff respectfully moves this Court to disburse the funds deposited in the Registry of the Court. On March 11, 2020, Plaintiff deposited one hundred and 00/100 dollars (\$100.00) into the Registry of the Court (Docket No. 4) as estimated just compensation for the for the taking of the Estate in Schedule E of the Declaration of Taking.
6. The Plaintiff and the Defendant respectfully move this Court to disburse the sum remaining in the Registry of the Court, one hundred and 00/100 dollars (\$100.00), plus any accrued interest thereon, payable to the order of “F&A Officer, USAED, Fort Worth.” The United States also respectfully request that the check reference Tract No. LRT-LRN-1034.

AGREED TO AS TO FORM AND SUBSTANCE:

FOR DEFENDANT:

SIGIFREDO PEREZ, III

s/ Sigifredo Perez, III by permission
SIGIFREDO PEREZ, III
ATTORNEY FOR THE ESTATE OF
HERMINIA PEREZ

FOR PLAINTIFF:

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ Alexander N. DerGarabedian*
ALEXANDER N. DERGARABEDIAN
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Attorney in Charge for Plaintiff

CERTIFICATE OF SERVICE

I, Alexander N. DerGarabedian, Assistant United States Attorney for the Southern District of Texas, I emailed a true and correct copy of the foregoing document to attorney Sigifredo Perez, III, and mailed the parties in this case a true and correct copy by first-class U.S. mail, postage prepaid, on May 19, 2020.

By: *s/ Alexander N. DerGarabedian*
ALEXANDER N. DERGARABEDIAN
Assistant United States Attorney

